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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,513	11/13/2000	Siegfried Schustek	1326	8193

7590 08/07/2003
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

PANG, ROGER L

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,513

Applicant(s)

SCHUSTEK ET AL.

Examiner

Roger L Pang

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) 2,8-10 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,13-16 and 19 is/are allowed.
- 6) ☒ Claim(s) 1,7,11,12 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3681

DETAILED ACTION

The following action is in response to the amendment filed for application 09/647,513 on June 24, 2003.

Election/Restrictions

Claims 2, 8-10, and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.

Please note: since claim 17 previously existed, under Rule 126, newly amended claims "17" and "18" have been renumbered --18-- and --19--, respectively. Also, claim 6 has been changed to depend upon claim --19-- instead of "18" due to these changes.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 11-12, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsujii. With regard to claim 1, Tsujii teaches a drive arrangement for at least one auxiliary system 16 of a motor vehicle, having an internal combustion engine 1, at least one supplementary motor 3 which is an electrical machine formed as a starter generator/motor of the

Art Unit: 3681

engine, and a gear , characterized in that the gear is a planetary gear (Fig. 3), which is operatively connected to the engine and the at least one supplementary motor which is an electrical machine formed as a starter generator/motor of the engine, each via a respective input shaft (Fig. 3), and to the auxiliary system which is a climate control compressor via an output shaft (Fig. 3), so that the shafts are operatively connected to either one of the engine 1, the at least one supplementary motor 3, and the auxiliary system (Fig. 3). With regard to claim 7, Tsujii teaches the arrangement characterized in that a sun wheel 33 of the planetary gear is connected in a manner fixed against rotation to the input shaft of the supplementary motor (Fig. 3), and a carrier 34 for at least one planet wheel is connected to the input shaft of the engine (via 23/22). With regard to claim 11, Tsujii teaches the arrangement characterized in that a relatively small electric motor (Fig. 3) is used, which at a moderate power requirement makes a wide governing range possible. With regard to claim 12, Tsujii teaches the arrangement characterized in that the planetary gear, the electric machine, and the output shaft are components of a vehicle transmission (Fig. 3). With regard to claim 18, Tsujii teaches the drive arrangement (see rejection of claim 1), and wherein the electrical machine 3 is connected to a sun wheel shaft, the engine is connected to a planet wheel carrier shaft, and the climate control compressor is connected to a ring gear shaft (Col. 6, lines 1-5, when clutch 32 is actuated).

Allowable Subject Matter

Claims 6, 13-16, and 19 are allowed.

Response to Arguments

With regard to the Tsujii reference, applicant claims that the ring gear shaft does not transfer torque to/from a component external to the planetary gear. This is untrue. In Column 6, lines 1-5, Tsujii teaches of operating the auxiliary mechanisms (including the compressor), and in this mode, clutch 32 is locked. This connects the auxiliary mechanism to the ring gear 35, which is transmitting torque. Applicant also argues that Tsujii requires a second clutch 26. Applicant has not claimed a structure that prohibits the use of said clutch. The claimed planet gear is operatively connected to the engine, electrical machine and compressor. Tsujii teaches this limitation. Applicant has not specifically claimed that the compressor is only operatively connected to the ring gear. Applicant's arguments have been considered, but are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3681

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Art Unit: 3681

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L Pang whose telephone number is 703-305-0445. The examiner can normally be reached on 5:30am to 4:00pm.

Art Unit: 3681

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Roger L Pang
Patent Examiner
Art Unit 3681

RLP
August 6, 2003